IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 1052 of 1996
In
Arbitration Suit No. 61 of 1992

Rashtriya Chemicals & Fertilizers
Ltd., Bombay .. Appellants
V/s.
Parekh Platinum Pvt. Ltd., Bombay .. Respondents

Mr. Aspi Chinoy, Sr. Counsel with Mr. T.N. Subramaniam, Ms. Nina Kapadia i/b. M/s. Pandya Gandhy & Co. for the Appellants

Mr. S. Nagvadariya i/b. M/s. Mehta & Co. for the Respondents

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 30.09.2005.

P.C.:-

1. Heard the learned senior counsel for the Appellants and the learned counsel for the Respondents. The learned counsel for the Respondents Mr. Nagvadariya states that the Respondents are not desirous of proceeding with the reference and that they are not at all desirous of initiating any arbitration proceedings. In view of the above, we allow the above Appeal, however, we make it clear that the issue of law, which has been raised in the present Appeal, we are leaving it open and we are not deciding the same. The learned Single Judge's impugned order dated 10.7.1996 stands set aside. Appeal is accordingly allowed.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)